

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 26, 2024

Lyle W. Cayce
Clerk

No. 23-30445

STATE OF MISSOURI; STATE OF LOUISIANA; AARON KHERIATY;
MARTIN KULLDORFF; JIM HOFT; JAYANTA BHATTACHARYA;
JILL HINES,

Plaintiffs—Appellees,

versus

JOSEPH R. BIDEN, JR.; VIVEK H. MURTHY; XAVIER BECERRA;
DEPARTMENT OF HEALTH & HUMAN SERVICES; ANTHONY
FAUCI; ET AL.,

Defendants—Appellants.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:22-CV-1213

ON REMAND FROM
THE SUPREME COURT OF THE UNITED STATES

Before CLEMENT, ELROD, and WILLETT, *Circuit Judges.*

PER CURIAM: *

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 23-30445

This case is before us on remand from the Supreme Court, which reversed our judgment and held that none of the Plaintiffs has standing to seek a preliminary injunction. *Murthy v. Missouri*, 144 S. Ct. 1972, 1981, 1997 (2024). Accordingly, we VACATE the judgment of the district court and the preliminary injunction in their entirety and REMAND for further proceedings consistent with the Supreme Court's opinion. The Clerk is directed to issue the mandate forthwith.



**Certified as a true copy and issued
as the mandate on Aug 26, 2024**

Attest: 
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

August 26, 2024

Mr. Daniel J. McCoy
Western District of Louisiana, Monroe
United States District Court
300 Fannin Street
Suite 1167
Shreveport, LA 71101-0000

No. 23-30445 State of Missouri v. Biden
USDC No. 3:22-CV-1213

Dear Mr. McCoy,

Enclosed is a certified copy of the opinion issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Whitney M. Jett, Deputy Clerk
504-310-7772

Enclosure(s)

cc:

Mr. Travis Christopher Barham
Mr. John B. Bellinger III
Mr. Simon Christopher Brewer
Mr. Brennan Tyler Brooks
Mr. Jonathon Christian Burns
Mr. Jay R. Carson
Mr. David Anthony Dalia
Mr. Joshua M. Divine
Mr. Christopher A. Ferrara
Mr. Leonid Goldstein
Mr. Jon Marshall Greenbaum
Mr. David A. Greene
Mr. Gene Patrick Hamilton
Mr. R. Stanton Jones

Mr. Glynn Shelly Maturin II
Mr. Christopher Ernest Mills
Ms. Elizabeth Baker Murrill
Mr. William Jeffrey Olson
Mr. Dean John Sauer
Mr. Todd Scott
Mr. Jay A. Sekulow
Mr. Eric Arthur Sell
Mr. Tracy Short
Mr. Daniel Bentele Hahs Tenny
Ms. Elisabeth S. Theodore
Mr. Peter Martin Torstensen Jr.
Ms. Judith Vale
Mr. John Julian Vecchione
Mr. Henry Charles Whitaker
Mr. Daniel Winik
Mr. Scott L. Winkelman
Mr. Stephen K. Wirth
Ms. Jenin Younes
Ms. Grace Zhou